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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, September 22, 2015, at 4 p.m.

Senate

MONDAY, SEPTEMBER 21, 2015

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign God, teach us to live in and for Your peace. As our Senators permit Your peace to govern their hearts, may they make decisions that honor You. Remind them that true spirituality is more than believing the right things or performing good deeds. Help them to see that true religion consists of having a relationship with You characterized by righteousness, peace, and joy in the Holy Spirit.

Lord, help us this day to receive from You the gift of Your love, permitting You to fill our lives with joy. Inspired by Your Spirit, help us to refrain from evil and to have a deep longing to do Your will on Earth even as it is done in Heaven.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The Democratic leader is recognized.

ANTI-MUSLIM RHETORIC AND GOVERNMENT FUNDING

Mr. REID. Mr. President, at this great cemetery we call Arlington, there is a white headstone, which, like so many others, marks the final resting place of a courageous servicemember who gave his life in combat. The grave belongs to a man by the name of Kareem Khan. He was from New Jersey. He was only 20 years old. He was a Muslim.

Kareem's rank was that of a specialist in the Stryker Brigade of the U.S. Army's 2nd Infantry Division. By all accounts, this young man was a terrific soldier. He had a Purple Heart and was awarded the Bronze Star and a medal for good conduct. Remember, he was barely 20 years of age. His career in the Army would have been much more significant, but he gave the ultimate, his life.

Here is what happened. This tragedy struck on August 6, 2007, as Kareem and three other soldiers were checking abandoned Iraqi houses for explosives. In one house they went into, there was a hidden bomb that exploded that killed all four of them. Like thousands of other soldiers in Iraq and Afghanistan, Kareem sacrificed everything for his country. He gave, as President Abraham Lincoln said, "the last full measure of devotion" for the United States.

But yesterday I watched on "Meet the Press" as a Republican candidate for President of the United States denigrated Kareem Khan and all Muslim Americans. Ben Carson questioned Muslim Americans' devotion to the United States. He questioned their integrity, and then Ben Carson unilaterally disqualified every Muslim in America from becoming the President of the United States.

Shame on Dr. Carson. Shame on any person that spews such hateful rhetoric. In America today, there are more than 3 million Muslims. They are part of the fabric of America. They teach in our schools, and they fight for our military. They serve in Congress. Congressmen KEITH ELLISON of Minnesota and ANDRÉ CARSON of Indiana, both Muslim, represent their districts in States with distinction.

I was proud to have both of these young men come and campaign for me throughout Nevada. Sadly, though, Dr. Carson's remarks are just another example of Republican candidates refusing to speak for 3 million Muslim Americans. We saw it last week with Donald Trump, as he refused to denounce bigotry at his own campaign rally. If these Republican candidates are incapable of going to bat for America's Muslim community, then they should not be running for President of the United States. I call upon every Republican to denounce Dr. Carson's disgusting remarks. That shameful intolerance and bigotry have no place in America today. Sadly, it seems to have a lasting place in the Republican Party.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Republicans should open their eyes and take note of the contributions of our country's Muslim community. Until they do that, none of them will be worthy of leading this Nation.

In a little more than a week, our government runs out of money. We have precious little time. The Senate will be in session for 3, possibly 4 days this week and another 3 days next week. The House of Representatives is not in session today, tomorrow or Wednesday. Yet it seems that the Republicans are simply ignoring or are in complete denial of any fiscal crisis that is coming at year's end.

Instead of coming to grips with the reality of the situation and working with Democrats to avoid a government shutdown, the Republicans seem more interested in political theater. Keeping with this show-vote craze, the Republican leader and the Speaker—the Republican leader over here and the Speaker on the other side of the Capitol—are doing things that are really hard to comprehend.

For example, over here there is going to be a forced vote tomorrow morning on cloture on a motion to proceed to a 20-week abortion ban. The 20-week bill is just a way for Senator McConnell to pander to extremists in his party who are once again holding government hostage so they can attack the health of women. This legislation is going nowhere. The Republican leader knows this. Every Senator here knows this. The bill is just another box to check for the Republican leader and his Senators. It is pretense to prove their extreme conservative credentials. It is all about political gamesmanship.

It comes at the expense of America's women's health. Think about all the ways the Republicans have attacked women in this Congress. Republicans have manipulated a bill to help victims of human trafficking and turned it instead into a political football by attaching ideological abortion riders.

Again, Republicans tried and are continuing to try to cut off funds for a critical safety net provider for women—Planned Parenthood. It is not the first time they have done it. Now they are wasting time as the government runs out of money in just a few days, wasting it on the 20-week abortion ban. Frankly, the American people are tired of Republican's obsession with attacking the health of women. They are tired of the never-ending wasteful votes orchestrated by the Republican leader instead of meaningful legislation.

But more than anything, Americans are watching congressional Republicans' failure to govern. We are fast approaching the year since Republicans assumed control of both Houses of Congress. What do they have to show for it? Nothing. The few things that have passed were things that would have passed easily last Congress, except they were filibustered by the Republicans.

If this 20-week abortion ban bill is any indication, nothing is all we can

expect from the Republican leader and his party for the remaining 15 months of this Congress.

Will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

PAIN-CAPABLE UNBORN CHILD PROTECTION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 36, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 230, H.R. 36, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

The PRESIDING OFFICER. The Senator from Utah.

CRIMINAL JUSTICE REFORM

Mr. HATCH. Mr. President, I rise today to address the topic of criminal justice reform. There has been a lot of discussion in Congress recently on this subject. Nearly all of the conversation has focused on sentencing. Various proposals have been introduced to cut prison sentences, augment judges' ability to sentence below statutory minimums or allow prisoners to earn early release for good behavior.

A number of my colleagues on the Senate Judiciary Committee have been meeting behind closed doors for months to try to reach a compromise—a compromise that incorporates elements of these various proposals. I rise today to address the broader parameters of criminal justice reform and to remind my colleagues that sentencing reform is only one piece of the broader effort that has been underway for some time now in both houses of Congress.

There are a number of other aspects of criminal justice reform that merit our attention, foremost of which is the need to ensure meaningful criminal intent requirements in our statutes and regulations. Over the past several years, a unique coalition of Members and stakeholder groups from across the ideological spectrum have been working together to address the problem of overcriminalization.

There is broad, bipartisan agreement in many quarters that Congress has criminalized too much conduct and mandated overly harsh penalties for too many crimes. Congress's persistent recourse to criminal law as the answer to today's society ills has cost taxpayers millions of dollars and branded as criminal conduct that may be unwitting or not even blameworthy. It has also resulted in thousands of Americans losing their livelihoods or liberty for reasons that, upon closer examination, seem not entirely justified.

The overcriminalization problem manifests itself in a variety of ways. First is through the sheer number of Federal crimes. There are now nearly 5,000 criminal statutes scattered in the U.S. Code. But statutes are only part of the story. In addition, there are an estimated 300,000 criminal regulatory offenses buried in the 80,000-page Code of Federal Regulations—300,000. If the administration promulgated one criminal regulation per day—that is, if it created one new crime each day—it would take 822 years to create that many criminal regulations.

The entire Code of Hammurabi was only 282 laws. Our current Federal criminal code—statutes and regulations together—is over 1,000 times that size. I am not saying Hammurabi should be our model in many things, but surely 300,000-plus Federal crimes is overkill. If Hammurabi could govern ancient Mesopotamia with fewer than 300 laws, surely we can make do with less than 300,000.

It is not just the sheer number of crimes. Overcriminalization also manifests itself through the creation of arcane, obscure, and, frankly, ridiculous crimes. For example, under Federal law it is a crime punishable by up to 6 months in prison to use the 4-H Club logo without authorization.

It is also a Federal crime, again punishable for up to 6 months in prison, to walk a dog in a Federal park area on a leash that is longer than 6 feet. Why on Earth do either of these actions need to be Federal crimes? I do not dispute that really long dog leashes can be annoying. I can understand why the 4-H Club would not want pretenders roaming around claiming to serve the heads, hearts, hands, and health of youth. But these are not the proper subjects for criminal penalties. Whatever crises exist with overlong dog leashes or imposter 4-H clubs can be dealt with through civil means.

The problem with such obscure and esoteric crimes—aside from the sheer embarrassment they should cause to Congress and the promulgating agency—is that they criminalize conduct that no reasonable person would know was illegal. Walking a dog on a 7-foot leash is not inherently wrongful, nor is putting a 4-H Club logo on a sign. Even if common sense might suggest checking with the 4-H Club before using its logo, no sane person would think it is a crime to do so.

The upshot is there are who-knows-how-many crimes on the books that the average person has no idea about and that criminalize conduct no reasonable person would think is wrong. According to a recent book, the average American unwittingly commits three felonies per day. That should deeply trouble all of us—and not because it suggests anything wrong with the average American.

We are a nation of laws. We are supposed to be guided by the rule of law. Our criminal law—indeed, the very idea that it is proper to brand some conduct, and some people, as criminal—is